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C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 000100

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DEPARTMENT FOR SCA/INS

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SUBJECT: MALDIVES: IN RUNUP TO ELECTION, INFIGHTING SLOWS
PROGRESS ON NEW CONSTITUTION

REF: A) 07 COLOMBO 1588 B) 07 COLOMBO 1666

Classified By: Ambassador Robert O. Blake, Jr. Reasons: 1.4 (b, d)

¶1. (C) SUMMARY: The Special Majlis has resumed work on the final two chapters of the constitution, but President Gayoom's DRP party and the opposition alliance NUA continue to battle over the specifics of two chapters, including the nature of the executive and transitional arrangements to a new government. Political maneuvering continues as major political figures within the DRP and the NUA seek to position themselves as Presidential candidates for the election expected late this year. Separately, the government's investigation into the recent assassination attempt on President Gayoom has revealed little as the government avoids a hasty move to tie the assassination attempt to Islamic extremism. End Summary.

Work on Constitution Continues

¶2. (C) The Special Majlis (constituent assembly charged with drafting a new constitution) began work again on January 13 on the final two chapters of the constitution, the chapters related to the presidency and transitional arrangements. The Special Majlis managed to finish its work quickly on the chapter related to the presidency (finishing the bulk of negotiations within a few days), but not without a fight over the specifics and interpretation of the chapter. Representatives in the Special Majlis primarily debated issues over presidential term limits and eligibility requirements for running in a presidential election.

¶3. (C) For the second time since November (Ref A), a pro-government member of the Special Majlis put forward a proposal which would have effectively barred leading Presidential contender and former Attorney General Dr. Hassan Saeed from running in the country's Presidential election. The proposal would have disqualified anyone with a foreign spouse from running in the election (Dr. Saeed's wife is Malaysian). The Ambassador contacted the Foreign Minister to urge that the DRP not support this amendment given Dr. Saeed's prominence. The proposal eventually failed, but Attorney General Azima Shakoor told poloff that even though the DRP did not officially support the proposal, many in the party, including herself, supported the measure. Shakoor

noted that the proposal was not directed at disqualifying any one candidate, but was intended to prevent non-Maldivians from having any influence on the country.

14. (C) Opposition members and pro-government members in the Special Majlis also debated the language pertaining to presidential term limits. The two sides agreed that the President should be limited to two terms, but disagreed on how the new language applies to incumbent President Gayoom. Government supporters claimed that President Gayoom was entitled to two additional terms in office because the Special Majlis was drafting a new constitution. However, Dr. Mohammed Munavvar, President of the leading opposition party Maldivian Democratic Party (MDP), told poloff that the NUA would hold to its position that the Special Majlis was merely amending the current constitution, rather than creating a new one; thereby restricting Gayoom from seeking office again.

Final Chapter Next Stumbling Block

15. (C) Despite progress on the chapter on the presidency, the DRP and the NUA remain far apart on the specifics of transitional arrangements. As reported ref B, the NUA remains committed to a transitional government that would not include President Gayoom as its leader. Ibrahim Hussain Zaki, Vice President of the MDP, told Ambassador on January 18 that the MDP would accept President Gayoom as the head of a transitional government if he were not a candidate in the upcoming election; if he were a candidate, the MDP would push for an independent figure as the head of a transitional government. However, DRP government officials told poloff that they would not accede to the NUA demands. Deputy

COLOMBO 00000100 002 OF 003

Foreign Minister Dunya Maumoon (also the President's daughter) and Attorney General Shakoor said that the NUA's proposed transitional arrangements were a non-starter.

One More Month Probably Needed for Completion of the Constitution

16. (C) Despite their differences, members of the DRP and NUA remain confident that work on the constitution will be completed by mid-February. Both Saeed and Munavvar told Embassy that they expected a compromise to be worked out on the specifics of a transitional arrangement. Both noted that a possible compromise could be legislation that guarantees a level playing field for the upcoming election; namely, the independence of the judiciary and the election commission. While Deputy Minister Maumoon and Attorney General Shakoor agreed that they expected the constitution to be wrapped up in a month, both said they were less certain of what an actual compromise on transitional arrangements would look like.

Key Election Legislation Lacking

17. (C) Officials from the Election Commission (EC) note that logistical preparations continue for the election. With roughly 200,000 eligible to vote in the Presidential election, Election Commission officials told Embassy that they are in the process of updating the voter list with information from 196 islands. The EC has so far only received information from three islands, but hopes to get data from the rest of the atolls by the end of the month. To guard against voter fraud on the day of the election, the EC told poloff that it was hoping to push through legislation that would require use of a national identification card as proof of eligibility. Further, the EC was hoping to use international election observers in the same manner in which they were used in the national referendum on the presidency last August. MFA representatives also told poloff that they were looking for election monitoring help from the

Commonwealth, EU, and the UN. (Note: A UN election assessment team is scheduled to arrive in early February.)

18. (C) Several of our interlocutors agreed that despite logistical preparations for the election, key legislation surrounding the mechanics of the election could prove to be a stumbling block even after ratification of the constitution. EC officials told poloff that they were worried that an Election Act would not be passed in time. (Note: The Election Act requires a simple majority to be passed by the parliament.) Dr. Munavvar opined that the passage of the Election Act in late spring could prove to be the greatest hurdle preventing the election process from proceeding smoothly.

Jockeying for Election Continues

19. (C) Members of both the NUA and the DRP continue to position themselves as possible presidential candidates. In the opposition, jockeying both between and within the parties of the NUA over possible Presidential candidates continues. Dr. Saeed, who already has announced his candidacy, told poloff that he would not commit to a specific political party, but rather hoped that the NUA would rally votes on his behalf. Nalina Sombuntham of Transparency International told Embassy that Saeed was beginning to shape up as a strong candidate for the election because of his name recognition and ties to the Southern atolls. Sombuntham cautioned, however, that Saeed's candidacy relied on the NUA and could be derailed if the ideologically incoherent NUA fractured.

110. (C) Munavvar opined that it was not a certainty that Saeed would represent the NUA as its presidential candidate. Dr. Saeed most likely would have to compete against at least one candidate from the MDP. Munavvar, who recently won a party-wide vote for the MDP presidency, was confident that he could win the party's support for the nomination during a

COLOMBO 00000100 003 OF 003

late spring vote. Munavvar commented that he believed he would emerge as the party's candidate over Mohammed Nasheed, the MDP chairman, because he had recently won a popular vote within the party whereas Nasheed was merely appointed to his post. Munavvar noted that while many within the MDP were upset with him for restricting the number of street demonstrations in Male, he said that one demonstration would win back their support. Regardless of the MDP's candidate, Munavvar believed it was unlikely that MDP members would throw their support behind someone from outside the party, like Saeed.

111. (C) Speculation also continues over President Gayoom's future. MFA representatives noted President Gayoom's intention to run for another term. Saeed opined that his candidacy would be a threat to the election prospects of President Gayoom and that he expected the DRP to try to exclude him from the race as a result. However, others assessed that Gayoom would not run for another term because of the difficulty in choosing a possible running mate within the DRP for the upcoming election. Ibrahim Zaki of the MDP told Ambassador (strictly protect) that he was "99% sure" that President Gayoom would not seek another term in office because he would now have to operate under a constitution that was significantly different than the one he had operated under for the past couple of years. Gayoom was also beholden to the two families that put him in power, Zaki said, and could not choose a successor between the two families. As a result of his inability to choose a running mate, Zaki opined that Gayoom probably was looking for a face-saving way to leave the national political scene, such as an appointment to an international position such as "UN Special Envoy on Climate Change" or "Deputy Envoy for the Middle East" under Tony Blair.

Little Headway into Assassination Investigation

¶12. (C) Separately, Embassy interlocutors noted that the Maldivian government has uncovered little about the recent assassination attempt on President Gayoom. Attorney General Shakoor said that it was too early to tell whether the attack on the President was tied to religious extremism. MFA Deputy Minister Maumoon also told poloff that it was too soon to comment on the details surrounding the attack.

COMMENT

¶13. (C) Various political institutions and actors in the Maldives -- including the Special Majlis, the National Unity Alliance (NUA), the DRP, and the Election Commission -- continue to make progress towards the national election to be held by November 2008, but disagreement over the final chapter of the constitution and progress on much needed election legislation could prove to be stumbling blocks in the near-term. It is clear that progress is being made on the contentious final two chapters of the constitution. Despite this progress, however, opposition figures and non-government contacts are uniform in their assessment that President Gayoom continues to drag his feet on his reform roadmap in general. It is possible that President Gayoom could attempt to put the Special Majlis' constitution to a referendum, a move seen by many as a tactic by Gayoom to delay legislation that would create an independent election commission and judiciary.

¶14. (C) Though MDP contacts have made clear to Embassy that they realize they must help ensure stability throughout the country, Munavvar left open the possibility of returning to street protests for personal political gain. Alternatively, it is not out of the question that the MDP could return to street protests in the coming weeks if negotiations stall over the transitional chapter or key election legislation. Separately, the NUA may come under strain in the near-term as various players of the Maldivian political elite continue to gauge their chances of success in Maldives' first multi-candidate presidential election. End comment.
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